

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9, 25, 29, and 31 are currently pending, Claims 1, 25 and 29 having been amended, and Claim 31 having been added. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 12, lines 4-7; page 18, lines 5-7; page 25, lines 20-22; page 29, lines 21-29; page 36, lines 3-6;

In the Office Action, Claim 29 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 1, 25, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu et al. (U.S. Pub. No. 2002/0174436, hereafter “Wu”) in view of Carver et al. (U.S. Pub. No. 2004/0015986, hereafter “Carver”), Paul et al. (U.S. Pub. No. 2003/0172108, hereafter “Paul”), Matsumoto (U.S. Pub. No. 2002/0188461), Kuno et al. (U.S. Patent No. 6,378,031, hereafter “Kuno”), and Harada et al. (U.S. Pub. No. 2002/0120927, hereafter “Harada”); Claims 2-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, Harada, and Maritzen et al. (U.S. Pub. No. 2002/0026419, hereafter “Maritzen”); Claims 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, Harada, and Leonard et al. (U.S. Pub. No. 2002/0046109, hereafter “Leonard”); Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen, and Giuliani et al. (U.S. Patent No. 5,974,399, hereafter “Giuliani”); and Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen, Giuliani, and Leonard.

Applicants thank the Examiner for the courtesy of a telephone interview with Applicants’ representatives on July 27, 2011. During the interview, the differences between

the claims and the applied art were discussed. Further, clarifying claim amendments were also discussed. In addition, the examiner indicated that the amended claims appear to overcome the applied art. Arguments and claims similar to those presented during the interview are presented herewith for formal consideration.

With respect to the rejection of Claim 29 under 35 U.S.C. §101, Applicants respectfully submit that the present amendment to Claim 29, reciting a “non-transitory computer-readable recording medium,” overcomes this ground of rejection. Furthermore, Applicants note that Claim 29 has been amended to comply with Director Kappos’ memo of January 27, 2010 which stated that the subject matter eligibility of computer readable medium may be secured by excluding signal based embodiments described in the specification. To this end, Applicants have adopted the language “non-transitory” as suggested in the memo to address U.S Patent and Trademark Office formalities only. More specifically, it is noted that the recitation of “non-transitory” is a limitation of the medium itself (i.e, tangible, not a signal) as opposed to a limitation on data storage persistency (e.g., RAM vs. ROM).

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the present amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

a display configured to automatically and continuously display the related information last received and automatically update the displayed related information when another song is played such that the displayed related information corresponds to the song currently being played until another song is played in the radio broadcast program.

With respect to the rejection of previous independent Claim 1, the examiner believes that a combination of Wu, Carver, Paul, Matsumoto, Kuno, and Harada disclose or suggest all of the claimed features.

In particular, Wu is directed to a system for providing on demand responses to consumer impulses produced by a demand stimulus. Fig. 1 of Wu shows a system wherein a consumer 11 interactively communicates with a real time inquiry response system (RTIRS) 13 which has a content database 17 containing consumer inquiry information data for multiple categories of inquiries (blocks 17a-c). (See para. [0026]). Wu describes, for instance, that when an inquiry is received from the consumer 11 which is related to a broadcast song heard by the consumer on the radio or TV, the RTIRS causes the system to respond to the consumer by accessing data, including stored demand stimulus responses, from the category #1 of the consumer inquiry database (see para. [0027]). Wu also describes that the demand stimulus responses might further include coupons, including electronic or physical coupons sent to the consumer *such as by e-mail* or mail. (see paras. [0037] and [0050]).

With respect to the previously recited feature of “a display configured to continuously display the related information last received such that the displayed related information corresponds to the song currently being played until another song is played and the related information is updated,” the Office Action had cited to Wu as disclosing this feature on paragraph [0058] and Fig. 8. The Office Action states that “the consumer system is a personal computer or set top box which receives emails, known in the art to contain a display to continuously display the contents of the email. When a new song is played, new information is requested, received, and displayed. Therefore, when opened by user, the emails will be continuously displayed until another song is played and the related information is update by the new request and response.” (See Office Action, at pages 5-6).

Thus, in the Examiner’s interpretation of Wu, a user is assumed to open an e-mail while a song is being played to achieve the claimed feature of “continuously display the

related information last received such that the displayed related information corresponds to the song currently being played.”

However, as discussed and agreed to during the interview, under the Examiner’s interpretation Wu still clearly fails to disclose or suggest “a display configured to *automatically* and continuously display the related information last received and *automatically* update the displayed related information when another song is played such that the displayed related information corresponds to the song currently being played until another song is played in the radio broadcast program.” In other words, since the Examiner’s interpretation of Wu requires the user to decide to open an e-mail to display the related information, Wu clearly does not disclose performing such actions automatically in the manner recited in amended Claim 1.

Carver, Paul, Matsumoto, Kuno, Harada, Maritzen, Giuliani, and Leonard have been considered, but fail to remedy this deficiencies of Wu with regard to amended Claim 1. Therefore, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Carver, Paul, Matsumoto, Kuno, Harada, Maritzen, Giuliani, and Leonard, either alone or in proper combination.

Amended independent Claims 25 and 29 recite features similar to those of amended Claim 1 discussed above. Therefore, Applicants respectfully submit that amended Claims 25 and 29 patentably distinguish over Carver, Paul, Matsumoto, Kuno, Harada, Maritzen, Giuliani, and Leonard, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested. Furthermore, the examiner is kindly invited to contact the Applicants' undersigned representative at the phone number below to resolve any outstanding issues.

Respectfully submitted,

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